

with the clerk in this cause, conditioned that this property shall not be sold or otherwise disposed of contrary to the provisions of the act (ch. 3915, 59th Congress, 34 Stat. L. 768), commonly known as the "Pure Food and Drugs Act" (Act of June 30, 1906), or contrary to the laws of the State of Colorado, then the marshal of this court is hereby directed to deliver said property to said The Henkel-Duke Mercantile Company, or its agents.

By the court.

ROBT. E. LEWIS, *Judge.*

FEBRUARY 23, 1909.

It is hereby stipulated and agreed that the foregoing order may be entered of record in the above-entitled cause.

THOMAS WARD, Jr.,
United States Attorney for the District of Colorado.
CHARLES HENKEL,
President of the Henkel-Duke Mercantile Company.

The facts in the case were as follows:

On or about January 30, 1909, an inspector of the Department of Agriculture found in the possession of the Henkel-Duke Mercantile Company, Pueblo, Colo., 135 cases (each containing 24 cans) of tomatoes and labeled "2 doz. 2½ lb. Cans Tomatoes from Riverdale Canning Company, Packers of Choice Utah Tomatoes, Riverdale, Utah." These goods had been shipped to the Henkel-Duke Mercantile Company by the Riverdale Canning Company from Ogden, Utah, on October 7, 1907. A number of the cans were weighed by the inspector and the average gross weight of each was found to be 2 pounds 3 ounces. The cases were, therefore, misbranded within the meaning of section 8 of the act, and on January 30, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Colorado and libel for seizure and condemnation was duly filed with the results hereinbefore stated.

H. W. WILEY,

F. L. DUNLAP,

Approved:

Board of Food and Drug Inspection.

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 23, 1909.*

(N. J. 98.)

ADULTERATION AND MISBRANDING OF SYRUP.

(AS TO PRESENCE OF MAPLE SUGAR.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of April, 1909, in the district court of the United States for the eastern district of Michigan in a prosecution by the United States against E. A. Char-

bonneau Company, a corporation of Detroit, Mich., for violation of section 2 of the aforesaid act in the shipping and delivering for shipment from Michigan to Ohio of an adulterated and misbranded syrup, that is to say, a syrup labeled in part "Maple Sugar 40%, Cane Sugar 60%," whereas, in fact, the syrup contained no maple sugar, the said E. A. Charbonneau Company, having entered a plea of *nolo contendere*, the court imposed upon it a fine of \$10.

The facts in the case were as follows:

On March 20, 1908, an inspector of the Department of Agriculture purchased from Jas. Carson and Company, Springfield, Ohio, a sample of a syrup labeled "Belle Isle Pure Vermont Syrup. Formula, Maple Sugar 40%, Cane Sugar 60%. Put up by E. A. Charbonneau Co., Detroit, Michigan," which sample was part of a shipment made by the E. A. Charbonneau Company from Detroit, Mich., to Springfield, Ohio, on or about December 20, 1907. This sample was subjected to analysis in the Bureau of Chemistry of the Department of Agriculture and the following results obtained and stated:

Total solids (per cent)	67.82
Total ash (per cent)075
Water soluble ash (per cent)055
Insoluble ash (per cent)020
Alkalinity of soluble ash (cc N/10 acid)025
Alkalinity of insoluble ash (cc N/10 acid)145
Polarization, direct at 20° C (°V)	+64.5
Polarization, invert at 20° C (°V)	-23.6
Polarization, invert at 86° C (°V)	0.0
Sucrose, Clerget (per cent)	66.41
Commercial glucose	0.0
Lead number	None.

It was apparent that the article was adulterated and misbranded; adulterated because of the substitution of cane sugar for maple sugar and misbranded because it was labeled "Maple Sugar 40%, Cane Sugar 60%," when, as a matter of fact, it contained no maple sugar. The Secretary of Agriculture having, on September 30, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis and they having failed to do so, the facts were reported to the Attorney-General on February 20, 1909, and the case referred to the United States attorney for the eastern district of Michigan, who filed an information against the said E. A. Charbonneau Company, with the result hereinbefore stated.

H. W. WILEY,

F. L. DUNLAP,

Approved:

Board of Food and Drug Inspection.

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., September 23, 1909.